



State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF WATER QUALITY

m/053/005

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April 20, 1999

Doug Jensen
Environmental Coordinator
USMX of Utah
802 Ave. I
Ely, NV 89301

RE: Final Ground Water Discharge Permit No. UGW230001

Dear Mr. Jensen:

Enclosed is an executed copy of the referenced Ground Water Discharge Permit and Statement of Basis issued to USMX of Utah. No comments were received during the public notice period which ended April 19, 1999.

Should you have any questions concerning the above please contact this office.

Sincerely,

Dennis Frederick, Manager
Ground Water Protection Section

DF:ljm/fb

Division of Oil, Gas and Mining
Southwest District HD
Bureau of Land Management
Wayne Thomas

Enclosures (2)

P:\WQ\PERMITS\LM\ZZ\WP\USMX\GFN.PER
FILE:USMX GW PERMIT

USMX GOLDSTRIKE MINE
STATEMENT OF BASIS
GROUNDWATER DISCHARGE
PERMIT NO. UGW530001
April 20, 1999

1. INTRODUCTION

The Goldstrike Mine is located 35 miles northwest of St. George in Washington County, Utah. The mine is operated under, a Notice of Intent approved by the Utah Division of Oil, Gas and Mining, a Plan of Operations approved by the Bureau of Land Management, Construction and Groundwater Discharge permits approved by the Utah Division of Water Quality and various other State and County permits.

Initial construction and mine development work by Tenneco Minerals began in August of 1988 and has gone through several stages of growth and permitting. USMX, Inc. bought the operation in November of 1992 and is the parent company of the current operator, USMX of Utah, Inc. Mining of ore at Goldstrike ended in October of 1994. Since this time operations at the mine have undergone reclamation and is essentially complete with decommissioning and closure.

2. FACILITIES DESCRIPTION

Subsequent to the termination of operation, the on-site mining facilities underwent closure according to the provisions of a DOGM reclamation plan and a Jan. 26, 1999 Division of Water Quality (DWQ) approved interim closure plan. The heap leach pads were closed using a vegetative cover. The cover consisted of graded and compacted subore and six to eight inches of top soil. The top soil was seeded in accordance with Division of Oil Gas and Mining (DOGM) reclamation requirements. At a minimum vegetation must be established to a density consistent with DOGM requirements. The subsurface pad leachate collection system fluid is piped to a two acre sprinkler land application site. This facility will be used to manage any leachate generated during pad draindown or subsequent precipitation. The process ponds were decommissioned by liner removal and recontouring the site. All buildings and other support structures were removed according to the reclamation plan.

3. WASTE MINIMIZATION STANDARDS

- A. Water Quality Limits - Compliance with ground water permit limits shall be demonstrated by data from four compliance monitoring wells in accordance with the procedures specified in Paragraph E of the permit. If future monitoring data indicates an increasing trend in parameter concentrations, compliance status will be determined in accordance with UAC R317-6.6.17 including if necessary reference to methods described in the EPA Interim Final Guidance Documents entitled "Statistical Analysis of Ground Water Monitoring Data at RCRA Facilities", dated February, 1989 and the July 1992 draft addendum to the Interim Final Guidance. Subsequent updates of this document shall be utilized as available and appropriate.

- B. Technology Performance Standard- Technology Performance Standard- The facilities will be maintained and operated to conform to the provisions of the DOGM reclamation plan and approved interim closure plan. This includes operation and maintenance of the land application system as set forth in the closure plan approved as an appendix A to this permit. Compliance with this standard will be demonstrated by no significant ponding of process fluids or their migration off-site. The intent of the general standard is the prevention of the migration of wastewater at an excessive rate into the aquifer by the proper construction and operation of the facilities. Accordingly achievement of this standard would reduce the risk of water quality standards be exceeded.
4. Closure Plan - The Closure Plan required to be submitted under Part I.H.1 of the permit will describe how the current facilities as decommissioned will be managed during post operational period and post closure monitoring to be performed. The data developed during this period is to be assessed and reported as justification on the release for no further site responsibilities under ground water discharge permit.

Permit No. UGW530001

STATE OF UTAH
DIVISION OF WATER QUALITY
DEPARTMENT OF ENVIRONMENTAL QUALITY
P.O. BOX - 16690
SALT LAKE CITY, UTAH 84116-0690

Ground Water Quality Discharge Permit

In compliance with the provisions of the Utah Water Pollution Control Act, Title 19, Chapter 5, Utah Code Annotated 1953, as amended,

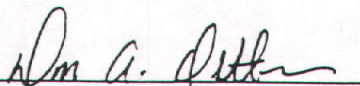
USMX of Utah
Goldstrike Mine
P.O. Box 2650
St. George, Utah 84770

is granted an amended Ground Water Quality Discharge Permit for the Goldstrike Mine Heap Leach Facilities located from latitude 37° 22' 15" to 37° 23' 30" North, and from longitude 113° 52' 30" to 113° 55' 45" West in accordance with conditions set forth herein.

This Ground Water Quality Discharge Permit supersedes all other Ground Water Discharge permits for this facility issued previously.

This permit shall become effective on April 20, 1999

This permit and the authorization to operate shall expire at midnight April 19, 2004



Executive Secretary
Water Quality Board

I.	<u>SPECIFIC CONDITIONS</u>	1
A.	<u>Ground Water Classification</u>	1
B.	<u>Background Water Quality</u>	1
C.	<u>Ground Water Quality Permit Limits</u>	1
1.	Water Quality Limits	1
2.	Compliance Determination Method	2
D.	<u>Post Operation Discharge Minimization Technology</u>	2
1.	Facility Design Standard	2
E.	<u>Compliance Monitoring Requirements</u>	2
1.	Water Quality Permit Limit Point of Compliance	2
2.	Water Quality Monitoring Frequency and Procedure Requirements	3
3.	Discharge Minimization Performance Standard Monitoring	4
F.	<u>Non-Compliance Status</u>	5
1.	Out-of-Compliance Based on Exceedance of Ground Water Permit Limits	5
2.	Out-of-Compliance Status Based Upon Exceedance of Discharge Minimization Technology Performance Standard	5
G.	<u>Reporting Requirements</u>	6
1.	Discharge Minimization Technology and Ground Water Monitoring	6
H.	<u>Compliance Schedule</u>	7
1.	Final Closure Plan	7
II.	<u>MONITORING, RECORDING AND REPORTING REQUIREMENTS</u>	8
A.	<u>Representative Sampling</u>	8
B.	<u>Analytical Procedures</u>	8
C.	<u>Penalties for Tampering</u>	8
D.	<u>Reporting of Monitoring Results</u>	8
E.	<u>Compliance Schedules</u>	8
F.	<u>Additional Monitoring by the Permittee</u>	8
G.	<u>Records Contents</u>	8
H.	<u>Retention of Records</u>	9
I.	<u>Twenty-four Hour Notice of Noncompliance Reporting</u>	9
J.	<u>Other Noncompliance Reporting</u>	10
K.	<u>Inspection and Entry</u>	11
III.	<u>COMPLIANCE RESPONSIBILITIES</u>	12
A.	<u>Duty to Comply</u>	12
B.	<u>Penalties for Violations of Permit Conditions</u>	12
C.	<u>Need to Halt or Reduce Activity not a Defense</u>	12
D.	<u>Duty to Mitigate</u>	12
E.	<u>Proper Operation and Maintenance</u>	12
F.	<u>Affirmative Defense</u>	13
IV.	<u>GENERAL REQUIREMENTS</u>	14
A.	<u>Planned Changes</u>	14
B.	<u>Anticipated Noncompliance</u>	14
C.	<u>Spill Reporting</u>	14

D.	<u>Permit Actions</u>	14
E.	<u>Duty to Reapply</u>	14
F.	<u>Duty to Provide Information</u>	14
G.	<u>Other Information</u>	14
H.	<u>Signatory Requirements</u>	15
I.	<u>Penalties for Falsification of Reports</u>	16
J.	<u>Availability of Reports</u>	16
K.	<u>Property Rights</u>	16
L.	<u>Severability</u>	16
M.	<u>Transfers</u>	16
N.	<u>State Laws</u>	18
O.	<u>Reopener Provisions</u>	18

I. SPECIFIC CONDITIONS

A. Ground Water Classification

Based on ground water data collected to date, ground water in the area of the facility is classified as Class II Drinking Water Quality Ground Water.

B. Background Water Quality

Due to the existing facility status of the facility when it was first permitted and potential impacts to ground water prior to monitoring, background is not defined for purposes of this permit.

C. Ground Water Quality Permit Limits

1. Water Quality Limits - Ground water quality at monitoring wells MW-2, MW-4, MW-4A, and MW-7 shall not exceed the general ground water quality standards defined in Table I of UAC R317-6-2 and set as the specific ground water permit limits defined in Table I below.

Table I - Ground Water Permit Limits

Parameter	method detection limit (mg/L)	ground water quality standard (mg/L)
pH (units)	n/a	6.5-8.5
Arsenic	.01	0.05
Barium	.01	2.0
Cadmium	.002	0.005
Chromium	.01	0.1
Copper	.01	1.3
Lead	.005	0.015
Mercury	.0002	0.002
Nickel	.01	0.1
Selenium	.002	0.05
Silver	.01	0.1
Thallium	.001	0.002
Zinc	.01	5.0
Cyanide	.002	0.2
Fluoride	.1	4.0
Nitrate-N	.02	10.0
Nitrite-N	.005	1.0

2. Compliance Determination Method - Compliance with ground water permit limits shall be demonstrated by data from four compliance monitoring wells in accordance with the procedures specified in Paragraph E. If future monitoring data indicates an increasing trend in paramer concentrations, compliance status will be determined in accordance with UAC R317-6.6.17 including if necessary reference to methods described in the EPA Interim Final Guidance Documents entitled "Statistical Analysis of Ground Water Monitoring Data at RCRA Facilities", dated February, 1989 and the July 1992 draft addendum to the Interim Final Guidance. Subsequent updates of this document shall be utilized as available and appropriate.

D. Post Operation Discharge Minimization Technology

1. Facility Design Standard- Subsequent to the termination of operation, the on-site mining facilities underwent closure according to the provisions of a DOGM reclamation plan and a Jan. 26, 1999 Division of Water Quality (DWQ) approved interim closure plan. The heap leach pads were closed using a vegetative cover. The cover consisted of graded and compacted subore and six to eight inches of top soil. The top soil was seeded in accordance with Division of Oil Gas and Mining (DOGM) reclamation requirements. At a minimum vegetation must be established to a density consistent with DOGM requirements. The subsurface pad leachate collection system piped to a two acre sprinkler land application site. This facility will be used to manage any leachate generated during pad draindown or subsequent precipitation. The process ponds were decommissioned by liner removal and recontouring the site. All buildings and other support structures were removed according to the reclamation plan.
2. Technology Performance Standard- The facilities will be maintained and operated to conform to the provisions of the DOGM reclamation plan and approved interim closure plan. This includes operation and maintenance of the land application system as set forth in the closure plan approved as an appendix A to this permit. Compliance with this standard will be demonstrated by no significant ponding of process fluids or their migration off-site.

E. Compliance Monitoring Requirements

1. Water Quality Permit Limit Point of Compliance - The permittee will continue to monitor four monitoring wells at the mine site. All four wells will be used as compliance monitoring points. The locations of these wells are described below.

- a) Compliance Monitoring Well MW-2: Latitude 37°23'11.32" - Longitude 113°52'50.56"
- b) Compliance Monitoring Well MW-4: Latitude 37°23'12.64" - Longitude 113°52'54.05"
- c) Compliance Monitoring Well MW-4A: Latitude 37°23'12.64 - Longitude 113°52'54.06"
- d) Compliance Monitoring Well MW-7: Latitude 37°23'12.81" - Longitude 113°53'13.25"

2. Water Quality Monitoring Frequency and Procedure Requirements

- a) Ground Water Level Measurements - Ground water level measurements shall be made in each monitoring well prior to any collection of ground water samples. These measurements will be made from a permanent single reference point clearly demarcated on the top of the well or surface casing. Measurements will be made to the nearest 0.01 foot.
- b) Ground Water Monitoring Frequency - Analyses shall be conducted on a semi-annual basis for all four monitoring wells. Semi-annual monitoring will be conducted during the first and third quarters during odd numbered years and during the second and fourth quarters during even numbered years. Monitoring will be reported to the Executive Secretary as per the requirements stipulated in Part I.G.1.
- c) Water Quality Sampling - sampling and analysis shall be conducted in accordance with the provisions of the approved water quality sampling plan specified in Part I.H.2 and in conformance with the following:
 - 1) Analysis by Certified Laboratories - analysis of any ground water sample shall be performed by laboratories certified by the State Health Laboratory.
 - 2) Analytical Methods - methods used to analyze ground water samples must comply with the following:
 - i) Are methods cited in UAC R317-6-6.3A(13), and

- ii) Have detection limits which are less than or equal to the minimum detection levels found in Part I C, Table I.
 - d) Analysis Parameters - the following analyses will be conducted on all water samples collected:
 - i) Field Parameters - pH, temperature, and specific conductance.
 - ii) Laboratory Parameters - including: Nitrate, Arsenic, Lead, Mercury, Selenium, Total Dissolved Solids, Sulfate, Weak Acid Dissociable Cyanide, and Cyanide Amenable to Chlorine
- 3. Discharge Minimization Performance Standard Monitoring - During the period beginning with the effective date of the permit and lasting the term of the permit or as stated in an approved closure plan, the permittee shall demonstrate compliance with the performance standard
 - a. Procedures
 - (1) frequency - The decommissioned reclaimed site shall be visually inspected monthly for a period of one year or until approved otherwise by the Executive Secretary for adherence to the prescribed construction standard cited in Paragraph I.D.1 and the results recorded in a log maintained by the operator.
 - (2) sampling - The leach pad draindown fluids shall be analysed for all parameters specified in the approved monitoring plan including the ground water quality standards listed in Table 1
 - (3) reporting -
 - (a) Any excessive ponding of land application fluids or off-site flow must be reported to the DWQ by phone within 24 hours and in writing within five days.
 - (b) Routine inspection reports and water quality analyses shall be reported semi-annually according to the schedule in Paragraph I.G.1

F. Non-Compliance Status

1. **Out-of-Compliance Based on Exceedance of Ground Water Permit Limits**

The permittee shall evaluate the results of each round of ground water sampling and analysis to determine any exceedance of the ground water permit limits. Upon determination by the permittee that the data indicates an increasing trend as cited in Paragraph I.C.2 at any downgradient compliance monitoring well, the permittee shall:

- a) Immediately resample the monitoring well(s) found to be in out-of-compliance. Submit the analytical results thereof, and notify the Executive Secretary of the status within 30 days of the initial detection.
- b) Out of Compliance Status shall be defined as three (3) consecutive samples from the same compliance monitoring point of which each successive value is greater than the preceeding value or an equivalent statistical determination based on UAC R317-6-6.16.B.2
- c) Upon determination and notification of the permittee by the Executive Secretary that an out-of-compliance status exists, the permittee shall submit an assessment study plan and compliance schedule for:
 - 1) Assessment of the source or cause of the contamination, and determination of steps necessary to correct the source.
 - 2) Assessment of the extent of the ground water contamination and any potential dispersion.
 - 3) Evaluation of potential remedial actions to restore and maintain ground water quality, and ensure that the ground water standards will not be exceeded at the compliance monitoring wells.

2. **Out-of-Compliance Status Based Upon Exceedance of Discharge Minimization Technology Performance Standard**

- a. In the event the permittee fails to maintain the permitted facilities in compliance with any of the requirements of Part I.D, of this permit,

the permittee shall submit to the Executive Secretary a notification and description of the failure in accordance with UAC R317-6-6.16.C.1.

b. The permittee may affirmatively defend against an action for non-compliance with this permit provision by satisfactorily demonstrating the provisions of UAC R317-6-6.16C.2.

G. Reporting Requirements

1. Discharge Minimization Technology and Ground Water Monitoring Report:

- a) Schedule - The sampling and analysis required in Part I.E., above, shall be reported according to Table 2, below.

Table 2 - Compliance Monitoring Reporting Schedule

<u>Semi-annual report</u>	<u>Report Due On</u>
Even numbered years	July 15, January 15
Odd number years	April 15, October 15

- b). Sampling and Analysis Report - will include:

- 1) Field Data Sheets - or copies thereof, including the field measurements, required in Part I C 1(c)(1), above, and other pertinent field data, such as: sample location, date and time, names of sampling crew, type of sampling pump or bail, measured casing volume, volume of water purged before sampling.
- 2) Results of Sample Analysis - including date sampled, date received, ion balance; and the results of analysis for each parameter, including: value or concentration, units of measurement, reporting limit (minimum detection limit for the examination), analytical method, and the date of the analysis.

- 3) **Electronic Filing Requirements** - In addition to submittal of the hard copy data, above, the permittee will be required to electronically submit the required ground water monitoring data in an electronic format and at a date established by the Executive Secretary. The data may be sent by e-mail, floppy disc, modem or other approved transmittal mechanism.

H. Compliance Schedule

1. **Final Closure Plan** -The permittee shall submit a Final Closure Plan for approval by the Executive Secretary 180 days prior to the expiration of this permit. The Final Closure Plan will assess the data collected during the interim period for the facilities. The data will be assessed for attainment of final closure criteria or demonstrate any residual contamination will pose a de minimus risk.

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under Part I shall be representative of the monitored activity.
- B. Analytical Procedures. Water sample analysis must be conducted according to test procedures specified under UAC R317-6.3.A.13, unless other test procedures have been specified in this permit.
- C. Penalties for Tampering. The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- D. Reporting of Monitoring Results. Monitoring results obtained during each reporting period specified in the permit, shall be submitted to the Executive Secretary, Utah Division of Water Quality at the following address no later than the 15th day of the month following the completed reporting period:
- State of Utah
Division of Water Quality
Department of Environmental Quality
Salt Lake City, Utah 84114-4810
Attention: Ground Water Protection Section
- E. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.
- F. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this permit, using approved test procedures as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted. Such increased frequency shall also be indicated.
- G. Records Contents. Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
 2. The individual(s) who performed the sampling or measurements;
 3. The date(s) and time(s) analyses were performed;
 4. The individual(s) who performed the analyses;
 5. The analytical techniques or methods used; and,
 6. The results of such analyses.

- H. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Executive Secretary at any time.
- I. Twenty-four Hour Notice of Noncompliance Reporting.
1. The permittee shall verbally report any noncompliance with permit conditions or limits as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The report shall be made to the Utah Department of Environmental Quality 24 hour number, (801) 538-6333, or to the Division of Water Quality, Ground Water Protection Section at (801) 538-6146, during normal business hours (8:00 am - 5:00 pm Mountain Time).
 2. A written submission of any noncompliance with permit conditions or limits shall be provided to the Executive Secretary within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected; and,
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
 - e. When applicable, either an estimation of the quantity of material discharged to the tailings impoundment or an estimation of the quantity of material released outside containment structures.
 3. Written reports shall be submitted to the addresses in Part II D, Reporting of Monitoring Results.
- J. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours, shall be reported at the time that monitoring reports for Part II D are submitted.

- K. Inspection and Entry. The permittee shall allow the Executive Secretary, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
 4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

III. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Executive Secretary of the Utah Water Quality Board of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions. The Act provides that any person who violates a permit condition implementing provisions of the Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions is subject to a fine not exceeding \$25,000 per day of violation. Any person convicted under Section 19-5-115(2) of the Act a second time shall be punished by a fine not exceeding \$50,000 per day. Nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.
- C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

F. Affirmative Defense

In the event that a compliance action is initiated against the permittee for violation of permit conditions relating to discharge minimization technology, the permittee may affirmatively defend against that action by demonstrating the following:

1. The permittee submitted notification according to Part I.F.3 and Part II.I.1 and 2;
2. The failure was not intentional or caused by the permittee's negligence, either in action or in failure to act;
3. The permittee has taken adequate measures to meet permit conditions in a timely manner or has submitted to the Executive Secretary, for the Executive Secretary's approval, an adequate plan and schedule for meeting permit conditions; and
4. The provisions of 19-5-107 have not been violated.

IV. GENERAL REQUIREMENTS

- A. Planned Changes. The permittee shall give notice to the Executive Secretary as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required when the alteration or addition could significantly change the nature of the facility or increase the quantity of pollutants discharged.
- B. Anticipated Noncompliance. The permittee shall give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- C. Spill Reporting - The Permittee shall immediately report as per UCA 19-5-114 of the Utah Water Quality Act any spill or leakage from the tailings impoundment or associated facilities which is not totally contained by a collection system. This report shall be made to the phone numbers given in Part II I 1. A written report will be required within 5 days of the occurrence and should address the requirements of UCA 19-5-114 and Part II I 2 and 3 of this permit.
- D. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- E. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a permit renewal or extension. The application should be submitted at least 180 days before the expiration date of this permit.
- F. Duty to Provide Information. The permittee shall furnish to the Executive Secretary, within a reasonable time, any information which the Executive Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Executive Secretary, upon request, copies of records required to be kept by this permit.
- G. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Executive Secretary, it shall promptly submit such facts or information.

- H. Signatory Requirements. All applications, reports or information submitted to the Executive Secretary shall be signed and certified.
1. All permit applications shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
 - c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
 2. All reports required by the permit and other information requested by the Executive Secretary shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Executive Secretary, and,
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
 3. Changes to Authorization. If an authorization under Part IV H 2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part IV H 2. must be submitted to the Executive Secretary prior to or together with any reports, information, or applications to be signed by an authorized representative.
 4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who

manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- I. Penalties for Falsification of Reports. The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- J. Availability of Reports. Except for data determined to be confidential by the permittee, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Executive Secretary. As required by the Act, permit applications, permits, effluent data, and ground water quality data shall not be considered confidential.
- K. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- L. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- M. Transfers. This permit may be automatically transferred to a new permittee if:
 - 1. The current permittee notifies the Executive Secretary at least 30 days in advance of the proposed transfer date;
 - 2. The notice includes a written agreement between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
 - 3. The Executive Secretary does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement as described in Part IV.M.2, above.

- N. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, penalties established pursuant to any applicable state law or regulation under authority preserved by Section 19-5-117 of the Act.
- O. Reopener Provisions. This permit may be reopened and modified pursuant to R317-6-6.6.B or R317-6-6.10.C to include the appropriate limitations and compliance schedule, if necessary, if one or more of the following events occurs:
1. If new ground water standards are adopted by the Board, the permit may be reopened and modified to extend the terms of the permit or to include pollutants covered by new standards. The permittee may apply for a variance under the conditions outlined in R317-6-6.4.D.
 2. Changes have been determined in background ground water quality.

Appendix A- Final Closure Plan

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